

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicants:	David S. Bonalle, et al.	Docket No.:	54022.1200
Serial No.:	10/708,545	Group Art Unit:	3687
Filed:	March 10, 2004	Examiner:	Frenel, Vanel
Title:	SECURING RF TRANSACTIONS USING A TRANSACTION COUNTER	Confirmation No.:	2544

REQUEST FOR REFUND

Attn: REFUND
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Applicants respectfully request a refund in the amount of \$220.00, which we believe was wrongly charged to Deposit Account No. **19-2814** on July 17, 2009 (see attached Patent Application Fee Determination Record and Sales Receipt for Accounting Date: 07/17/2009).

On August 12, 2008, Applicants filed an Amendment and Reply to Office Action comprised of sixteen (16) total claims, five (5) of which were independent. At this time, Applicants paid for two (2) additional independent claims. The Patent Application Fee Determination Record generated with this filing indicated that the Amendment consisted of sixteen (16) total claims, four (4) of which were independent. Applicants respectfully submit that this accounting was in error. (See attached Listing of Claims from the Reply and Amendment filed August 12, 2008, the Patent Application Fee Determination Record and the Electronic Patent Application Fee Transmittal indicating that two (2) additional independent claims were paid for at this time.)

On July 13, 2009 Applicants filed a Reply and Amendment to the Final Office Action dated May 12, 2009, along with a Request for Continued Examination (RCE). At this time, Applicants paid the \$810.00 fee for the filing of the RCE. The claims filed in the Amendment and Reply to Final Office Action consisted of fifteen (15) total claims, five (5) of which were independent. Since Applicants had previously paid for the additional independent claims with the August 12, 2008 filing, Applicants did not pay any additional claim fees at this time, as none were required. However, the Patent Application Fee Determination Record Sheet generated with the July 13, 2009 filing indicated the amount of claims previously filed were twenty (20) total claims, four (4) of which were independent. Applicants respectfully submit that this accounting of claims was incorrect, as explained in detail above. (See attached Patent Application Fee Determination Record.) Therefore, the charge of one (1) additional independent claim on July 17, 2009, for a total of \$220.00, was in error.

Therefore, Applicants respectfully request a refund in the amount of \$220.00, which was wrongly charged to Deposit Account No. **19-2814**.

Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Date: August 5, 2009

By: 
David G. Barker, Reg. No. 58,581

SNELL & WILMER, L.L.P.
One Arizona Center, 400 East Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6376
Fax: (602) 382-6070
Email: dbarker@swlaw.com

Electronic Patent Application Fee Transmittal

Application Number:	10708545			
Filing Date:	10-Mar-2004			
Title of Invention:	SYSTEM AND METHOD FOR SECURING RF TRANSACTIONS USING A RADIO FREQUENCY IDENTIFICATION DEVICE INCLUDING A TRANSACTIONS COUNTER			
First Named Inventor/Applicant Name:	David S. Bonalle			
Filer:	David G. Barker/Julie Eslick			
Attorney Docket Number:	54022.1200			
Filed as Large Entity				
Utility	Filing Fees			
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Independent claims in excess of 3	1201	2	210	420
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				420

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/708,545		Filing Date 03/10/2004		<input type="checkbox"/> To be Mailed					
APPLICATION AS FILED – PART I														
(Column 1)			(Column 2)			SMALL ENTITY <input type="checkbox"/>		OR		OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)							
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A								
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A								
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A								
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =			X \$ =								
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =								
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).													
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))														
			TOTAL			TOTAL								
APPLICATION AS AMENDED – PART II														
(Column 1)			(Column 2)			(Column 3)			SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT	08/12/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)				
	Total (37 CFR 1.16(i))	* 16	Minus	** 20	= 0	X \$ =			OR	X \$50=	0			
	Independent (37 CFR 1.16(h))	* 4	Minus	***3	= 1	X \$ =			OR	X \$210=	210			
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								OR					
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR					
						TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE	210			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)				
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			OR	X \$ =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			OR	X \$ =				
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								OR					
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR					
						TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE				
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>														

Legal Instrument Examiner:
/ROZENIA HARMON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Amendments To Claims

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. – 19. (Canceled)

20. (New) A method comprising:

receiving a transaction request from an RF transaction device, wherein said transaction request comprises a transactions counted value; and

denying said transaction request in response to said transactions counted value exceeding a maximum transactions value.

21. (New) The method of claim 20, wherein said transaction request further comprises at least one of an RF transaction device authentication tag, an account issuer routing number, or an encrypted transaction device identifier.

22. (New) The method of claim 20, further comprising transmitting an interrogation signal to said RF transaction device.

23. (New) The method of claim 20, further comprising:

transmitting said transaction request to a transaction processing entity; and

receiving a denial message from said transaction processing entity in response to said transactions counted value exceeding said maximum transactions value.

24. (New) The method of claim 20, further comprising disabling said RF transaction device in response to said transactions counted value exceeding said maximum transactions value.

25. (New) The method of claim 20, further comprising:

presetting said transactions counted value to an initial count value;

setting an increment value for said transactions counted value; and
setting said maximum transactions value.

26. (New) A radio frequency identification (RFID) reader comprising:

a transponder for receiving a transaction request from an RF transaction device,
wherein said transaction request comprises a transactions counted value; and

a network device for denying said transaction request in response to said transactions
counted value exceeding a maximum transactions value.

27. (New) The RFID reader of claim 26, further comprising:

means for receiving at least one of a transaction device authentication tag or an
encrypted transaction device identifier from said RF transaction device; and

means for decrypting said encrypted transaction device identifier to authenticate said
RF transaction device.

28. (New) A transaction processing entity comprising:

means for receiving a transaction request from an RF transaction reader, wherein said
transaction request is initiated by an RF transaction device, and wherein said transaction
request comprises a transactions counted value; and

means for denying said transaction request in response to said transactions counted
value exceeding a maximum transactions value.

29. (New) The transaction processing entity of claim 28, wherein said transaction request
further comprises at least one of an RFID reader authentication tag, an RF transaction device
authentication tag, or an encrypted transaction device identifier.

30. (New) The transaction processing entity of claim 28, further comprising means for validating said RF transaction device in accordance with said RF transaction device authentication tag.

31. (New) The transaction processing entity of claim 28, further comprising means for evaluating validity of said RFID reader in accordance with said RFID reader authentication tag.

32. (New) A method comprising:

transmitting a transaction request to an RFID reader, wherein said transaction request comprises a transactions counted value, and wherein said transaction request is denied in response to said transactions counted value exceeding a maximum transactions value; and

incrementing, at said RF transaction device, said transaction counted value.

33. (New) The method of claim 32, further comprising incrementing said transactions counted value by a predetermined value.

34. (New) The method of claim 32, further comprising incrementing said transactions counted value in response to at least one of receiving an interrogation signal, transmitting data, or completing an RF transaction.

35. (New) A Radio Frequency (RF) transaction device comprising:

means for transmitting a transaction request to an RF Identification (RFID) reader, said transaction request comprising a transactions counted value, wherein said transaction request is denied in response to said transactions counted value exceeding a maximum transactions value; and

means for incrementing, at said RF transaction device, said transactions counted value.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/708,545		Filing Date 03/10/2004		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =				
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	07/13/2009	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(i))	* 15	Minus	** 20	= 0		X \$ =		OR	X \$52=	0
Independent (37 CFR 1.16(h))	* 5	Minus	***4	= 1		X \$ =		OR	X \$220=	220
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE	220
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(i))	*	Minus	**	=		X \$ =		OR	X \$ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=		X \$ =		OR	X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/SONYA HILLIARD/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 07/17/2009

SCALLIHA	SALE	#00000002	Mailroom Dt: 07/13/2009	192814	10708545
		01 FC : 1201	220.00 DA		